

Attorney's Docket No.: 12754-109001 / 99P7613

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Singh, et al.

Art Unit : 2784

Serial No. : 09/320,833

Examiner : G. Patel

Filed : May 26, 1999

Title : PREFETCH STREAMING BUFFER

Commissioner for Patents
Washington, D.C. 20231PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR 1.181 (or alternatively under 37 CFR 1.137(b)), applicant hereby petitions to withdraw the Notice of Abandonment mailed October 18, 2002 (copy enclosed), or alternatively to revive the application. The application was abandoned under 37 CFR §1.135 for failure to respond to the Official letter mailed February 25, 2002.

The undersigned, applicant's attorney of record, first became aware of the abandonment in mid-October, 2002, in a conversation with Examiner Gautum Patel. The undersigned received a facsimile copy of the Official letter from the Examiner on October 17, 2002, but did not receive a copy of Notice of Abandonment until November 12, 2002. Applicant submits that this petition is being promptly submitted.

The following documents are submitted under as proof that the Office letter mailed February 25, 2002 was never received:

1. A copy of Fish & Richardson's docket record, indicating where the nonreceived Office communication would have been entered had it been received and docketed.
2. A copy of Infineon's IPAS docket record, indicating where the nonreceived Office communication would have been entered had it been received and docketed.

Also enclosed are

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 26, 2003
Date of Deposit
Signature *Carlos Brasil*

Carlos Brasil
Typed or Printed Name of Person Signing Certificate

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1. An original signed declaration by David J. Goren, attesting on the basis of personal knowledge that the Office Communication was never received.
2. A signed copy of the Response to Office Action as requested by Official letter mailed February 25, 2002.

The entire delay in filing the required reply was unintentional.

In summary, the delay from February 25, 2002 until October 17, 2002 was caused by a failure to receive the Official letter; the delay from October 17, 2002 to November 12, 2002 occurred while waiting for receipt of the Notice of Abandonment; and the delay from November 12, 2002 to filing of this petition occurred in the preparation of this petition, including verification that the Official letter had never been received by the assignee or at the correspondence address.

Also enclosed is a terminal disclaimer as suggested by MPEP 711.03(c) to disclaim the terminal part of the term of any patent issued on this application that would extend beyond the date 20 years from the filing date of the application.

Applicant requests that the Notice of Abandonment be withdrawn. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 3/26/03

David J. Goren
David J. Goren
Reg. No. 34,609

Telephone: (650) 839-5070
Facsimile: (650) 839-5071

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